

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE APPLICATION OF **ESCAL UGS S.L.**
FOR AN ORDER PURSUANT TO 28 U.S.C. §
1782 TO OBTAIN DISCOVERY FOR USE IN
A FOREIGN PROCEEDING

Case No. _____

**PETITION AND
APPLICATION FOR AN
ORDER PURSUANT TO 28
U.S.C. § 1782 TO OBTAIN
DISCOVERY FOR USE IN A
FOREIGN PROCEEDING**

Upon the annexed declaration of Sojin Yoon dated January 10, 2020 (“Yoon Declaration”), the annexed declaration of Luis Pérez de Ayala dated January 13, 2020, and all exhibits affixed thereto, and the accompanying memorandum of law, Escal UGS S.L. (“Escal”) hereby applies to this Court *ex parte* for an Order pursuant to 28 U.S.C. § 1782 and Rule 45 of the Federal Rules of Civil Procedure, (i) granting Escal leave to serve Ruben Juanes and Bradford H. Hager with the subpoenas *duces tecum* annexed to the Yoon Declaration as Exhibits 1 and 2, respectively, (ii) requiring Ruben Juanes and Bradford H. Hager to produce those documents specified in the riders attached to the proposed subpoenas *duces tecum* annexed to the Yoon Declaration as Exhibits 1 and 2 within 30 days of service thereof, and (iii) granting Escal such other relief as the Court deems proper and just.

The requested relief is for purposes of obtaining limited, but critical, discovery in aid of and for use in a proceeding currently pending before the Contentious-Administrative Chamber of the Supreme Court of Spain (“Spanish Proceeding”). In the Spanish Proceeding, Petitioner Escal has challenged the Council of Ministers of Spain’s decision, dated October 31, 2019, ordering the permanent abandonment and sealing of the Castor Project. The Council of Ministers stated that its decision was based on the Respondents’ findings in their study entitled “Coupled Flow and Geomechanical Modeling, and Assessment of Induced Seismicity, at the Castor

Underground Gas Storage Project,” published on April 24, 2017 (the “Study”). Escal seeks a limited production of documents, concerning the facts and data Respondents Juanes and Hager considered for their Study, as well as the assumptions the Respondents applied in reaching their conclusions, which are central to the Spanish Proceeding.

Escal is the named claimant in the Spanish Proceeding and thus an “interested person” pursuant to Section 1782, and Messrs. Juanes and Hager are found within this District. Accordingly, the statutory criteria for the issuance of an Order allowing the requested discovery pursuant to Section 1782 are satisfied. Moreover, as set forth in the memorandum of law filed concurrently herewith, all of the discretionary factors that courts consider in relation to such applications likewise favor granting Escal’s application. Therefore, Escal respectfully submits that the Court should grant the order requested herein.

Dated: January 13, 2020

Respectfully Submitted,

Attorneys for Applicant Escal UGS S.L.

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* *Pro Hac Vice Admission to be Submitted Forthwith*